

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUBEN FIGUEROA,

Plaintiff,

v.

NAVARRO, et al.,

Defendants.

Case No. 1:20-cv-01254-AWI-SKO (PC)

**ORDER GRANTING DEFENDANTS' EX
PARTE APPLICATION FOR EXTENSION
OF TIME TO FILE RESPONSE TO
PLAINTIFF'S COMPLAINT**

(Doc. 35)

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action.

On March 18, 2022, Defendants Navarro and Ramirez filed an *Ex Parte* Application¹ for an extension of time within which to file a response to Plaintiff's complaint. (Doc. 35.)

Defendants seek an extension of time to April 21, 2022.

Counsel for Defendants explains that she was assigned to represent Defendants Navarro, Ramirez, and Phi on February 16, 2022. (Doc. 35 at 5, ¶ 3.) While Defendant Phi filed an answer to Plaintiff's complaint on October 11, 2021 (Doc. 23), insufficient identifying information delayed service upon Defendants Navarro and Ramirez until February 16, 2022 (Doc. 34). (Doc. 35 at 5, ¶ 5.) Counsel for Defendants declares she needs more time to analyze the operative

¹ Local Rule 144(c) provides the "Court may, in its discretion, grant an initial extension ex parte upon the affidavit of counsel"

1 complaint and prepare a responsive pleading, due to her recent assignment to this case and the
2 press of business in other matters to which she is assigned. (Doc. 35 at 6, ¶¶ 7-8.) Counsel for
3 Defendants believes the extension amounts to a brief delay that will not significantly delay this
4 action or materially prejudice Plaintiff. (Doc. 35 at 6, ¶ 10.) Counsel for Defendants further
5 declares this is the first request for an extension, and is not brought for an improper purpose or to
6 delay prosecution of the action. (Doc. 35 at 6, ¶ 11.)

7 The Court finds good cause to grant Defendant Navarro and Ramirez's request for an
8 extension of time within which to file a response to Plaintiff's complaint.

9 Accordingly, **IT IS ORDERED** that:

- 10 1. Defendants' *ex parte* application for an extension of time (Doc. 35) is GRANTED;
11 and
12 2. Defendants Navarro and Ramirez shall file a response to Plaintiff's complaint no later
13 than April 21, 2022.

14
15 IT IS SO ORDERED.

16 Dated: **March 21, 2022**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE